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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

190250-1790

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on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Application Number

10/729,496

Filed

December 5, 2003

First Named Inventor

Diane C. Thornton, et al.

Art Unit

2162

Examiner

Colan, Giovanna B.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 47,283

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_



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Typed or printed name

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Telephone number

April 2, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Diane C. Thornton, et al.

Serial No.: 10/729,496

Filed: December 5, 2003

Confirmation No.: 1984

Group Art Unit: 2162

Examiner: Colan, Giovanna B.

Docket No. 190250-1790

For: FIBER SPLICE ASSIGNMENT AND MANAGEMENT SYSTEM

## **PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The final Office Action mailed November 1, 2006 has been carefully considered.

Please consider the following remarks.

## ***AUTHORIZATION TO DEBIT ACCOUNT***

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 20-0778.

## REMARKS

### **Rejections under 35 U.S.C. §103 are Improper**

Claims 1-24 stand rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over *Kite* (U.S. Patent Publication No. 2005/0149372 A1) in view of *VanDusen* (U.S. Patent Publication No. 2003/0208397 A1).

A review of the *Kite* and *VanDusen* references, however, reveal that the references and the proposed combination do not teach each and every limitation of Applicants' claims as is required by 35 U.S.C. §103.

For example, *Kite* appears to disclose at most a system for defining a resource plan. In particular, *Kite* states:

The resource planning application 170 can be one or more GIS tools that can allow a planner to define and associate resources with geographic features in digitized maps. The resource planning application 170 may allow a user to at least partially define and/or evaluate the resources 160, the geographic information 162, the resource needs 166, and/or the location relief strategy plan 164. For example, the resource planning application 170 may allow a user to associate one more LRS plans 164 with one of the resource needs 166, and to define which of the associated LRS plans 164 is a primary LRS plan and/or which are alternate LRS plans. When a plurality of the LRS plans are associated with a resource need, the LRS plans may be prioritized (e.g., ranked). A highest priority one of the LRS plans may then be defined as a primary LRS plan, and the other LRS plan(s) may be defined as alternate LRS plans. In some embodiments of the present invention, only one of the LRS plans 164 that are associated with one of the resource needs 166 can be defined as a primary LRS plan.

The resource planning application 170 also generates a resource plan based on the primary LRS plan and/or the alternate LRS plan. . . . For example, a resource plan may be generated based on the primary LRS plans, or it may be generated based on selected ones of the primary LRS plans and/or alternate LRS plans. A user may also define access privileges for the LRS plans, such as public or private, which may be used by the resource planning application 170 to limit access of one or more of the LRS plans to users who satisfy the defined access privileges.

The resource planning application 170 may generate a resource plan that combines all or selected ones of the primary LRS plans and/or alternate LRS plans for more than one of the defined resource needs 166, and/or the resource planning application 170 may generate a different resource plan for each of the defined resource needs 166.

Paras. 0822-0824. As such, *Kite* does not seem to involve actual engineering work orders and associated tracking functions involving making changes to records reflecting the work being performed. For at least this reason, *Kite* fails to teach or suggest “the fiber splice record identifying a fiber splice job to be performed at the wirecenter, the fiber splice management and assignment system tracking workflow of fiber splice jobs identified by a plurality of fiber splice records, the fiber splice jobs corresponding to generated engineering work-orders,” as recited in claim 1. As mentioned above, *Kite* appears to teach a tool for documenting resource plans and strategies that may or may not ever be implemented, whereas the claimed subject matter tracks records associated with engineering work-orders.

Further, the system in *Kite* seemingly discloses assignment of fiber strands in referring to how a fiber strand is being utilized. For example, *Kite* provides that physical fiber strands are determined to be “assigned, spare, or defective,” where “[a]ssigned is analogous to saying that a fiber is ‘lit’.” Para. 0428. The portion of *Kite* referenced in the Office Action at paragraph 0549 is not directed to an assignment of a draftsman to a fiber splice job. For at least these reasons, *Kite* does not suggest “assignment logic coupled to the database, operable to assign a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman and to record the assignment, wherein the fiber splice management and assignment system is configured to identify each fiber splice record assigned to the draftsman, the draftsman being assigned to make

changes shown in a generated engineering work-order to the fiber splice record,” as recited in independent claim 1.

Further, *Kite* does not teach or suggest “assignment logic coupled to the database, operable to assign a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman and to record the assignment, wherein the fiber splice management and assignment system is configured to identify each fiber splice record assigned to the draftsman; and completion logic coupled to the database, operable to receive a request to close the fiber splice record from the draftsman, and receive a credit amount associated with the fiber splice job from a fiber splice manager, the credit amount being assigned to the draftsman that performed the fiber splice job,” as recited in claim 1.

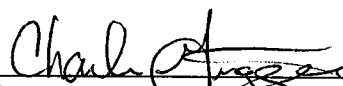
While *Kite* teaches that a technician performing a fiber splice task may utilize FMT (fiber management tool) to access information that is useful in completing the task (e.g., listing attributes of a fiber splice), this is inadequate to teach or suggest the particular system described in claim 1. With regard to *VanDusen*, it discloses a method of doing business by creating an equity pool and compensating an associate with a portion of the equity pool. *VanDusen* does not teach or suggest the features above that are also not taught and suggested by *Kite*. Accordingly, *VanDusen* fails to cure the deficiencies of the *Kite* reference in suggesting or teaching all of the claimed features in claim 1. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Kite* with *VanDusen* has not been made, and the rejection of claim 1 should be withdrawn.

For similar reasons as the foregoing, claims 2-24 are also patentable over the proposed combination.

### **CONCLUSION**

As is apparent from the foregoing, the cited references are woefully deficient in disclosing Applicants' claims. Therefore, application of the cited references against Applicants' claims under 35 U.S.C. §103 rises to the level of clear legal and/or factual error. Applicants therefore request that the rejections of the final Office Action be withdrawn and a new, non-final Office Action, or Notice of Allowance, be issued.

Respectfully submitted,

  
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**Charles W. Griggers**  
**Registration No. 47,283**